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JC951 U.S. PTO
10/13/00

P/2526-22 (REISSUE)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JC406 U.S. PTO
09/687144
10/13/00

In re Reissue Application of

Philip DOMENICO

Date: October 13, 2000

Original Patent No.: 5,928,671

Group Art Unit: --

Issued: July 27, 1999

Examiner: --

For: METHOD AND COMPOSITION FOR INHIBITING BACTERIA

Assistant Commissioner for Patents
Washington, D.C. 20231

REISSUE APPLICATION TRANSMITTAL LETTER

Sir:

Enclosed herewith please find the application of Philip DOMENICO for the reissue of his U.S. Patent No. 5,928,671, issued July 27, 1999, for "METHOD AND COMPOSITION FOR INHIBITING BACTERIA."

Enclosed herewith please find the following documents in the above-identified application for United States Reissue Letters Patent:

- 13 Pages of Specification including Abstract and Claims
- 17 Numbered Claims Calculated as 17 Claims for Fee Purposes
- 1 Sheet of Drawing Containing Figure 1 (Copy of the drawing from the Original Patent.)
- X Declaration and Power of Attorney
- X Certification of Assignee
- X Assent of Assignee
- X Order for Title Report
- X Offer to Surrender Letters Patent
- X Information Disclosure Statement
- X Small Entity Declaration (Copy from the Original Patent)
- X Return-Addressed Post Card

OFGS Check No. 1058, which includes the fee of \$500.00, calculated as follows:

Basic Filing Fee: \$ 710.00

Additional Filing Fees:

Total Number of Claims in Excess of 20, times \$18: 0.00

Number of Independent Claims in Excess of 3, times \$80: 240.00

One or More Multiple Dependent Claims: Total \$260 0.00

Total Filing Fees or

Total Filing Fee Reduced 50% for Small Entity: 475.00

Order for Title Report Fee: \$25 25.00

TOTAL Filing Fee and Assignment Recording Fee: \$500.00

00438851.1

The PTO did not receive the following listed item(s) a post card

Small Entity Status has been established in Original Patent No. 5,928,671. A copy of the Verified Statement Claiming Small Entity Status (Nonprofit Organization) is enclosed.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed, or if any additional fee during the prosecution of this case is not paid, the Patent and Trademark Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label #EH393852307US) in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on October 13, 2000:

Dorothy Jenkins

Name of Person Mailing Correspondence

Dorothy Jenkins

Signature

October 13, 2000

Date of Signature

DAM/CCA:lac

Respectfully submitted,

Charles C. Achkar

Charles C. Achkar

Registration No.: 43,311

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Philip DOMENICO

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ASSENT OF ASSIGNEE TO REISSUE PURSUANT TO 37 C.F.R. §1.172

Sir:

Winthrop University Hospital, the sole owner of U.S. Patent 5,928,671, issued July 27, 1999, by virtue of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 7459, Frame 0154, hereby assents to the filing of an application for reissue of said patent and to the issuance of a reissue patent therefor.

WINTHROP UNIVERSITY HOSPITAL

Dated: 9/26/2000

By: Barbara Kohart
Name: Barbara Kohart

Title: Vice President, Administration

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of

Philip DOMENICO

Original Patent No.: 5,928,671

Group Art Unit: --

Issued: July 27, 1999

Examiner: --

For: METHOD AND COMPOSITION FOR INHIBITING BACTERIA

Assistant Commissioner for Patents
Washington, D.C. 20231

**CERTIFICATION OF ASSIGNEE
PURSUANT TO 37 CFR §3.73(b)**

Sir:

Winthrop University Hospital certifies that it is the assignee of the entire right, title and interest of U.S. Patent No. 5,928,671, issued July 27, 1999, by virtue of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 7459, Frame 0154. The undersigned has reviewed all the documents in the chain of title of U.S. Patent No. 5,928,671 and, to the best of the undersigned's knowledge and belief, the title is in the name of Winthrop University Hospital.

The undersigned, whose title is supplied below, is empowered to sign this certification on behalf of the assignee.

WINTHROP UNIVERSITY HOSPITAL

Dated: 9/26/2000

By: Barbara Kohart
Name: Barbara Kohart

Title: Vice President, Administration

COPY

Serial or Patent No.: 08/883,584 OFGS File No. P/2526-11 (-)
Filing or Issue Date: June 26, 1997
Applicant or Patentee: Philip Domenico
For: METHOD AND COMPOSITION FOR INHIBITING BACTERIA

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
37 CFR 1.9(f) and 1.27(d) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF CONCERN: Winthrop University Hospital

ADDRESS OF CONCERN: 259 First Street, Mineola, New York 11501

TYPE OF ORGANIZATION:

☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION

☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 USC §501(a) and §501(c)(3)

☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE USA

NAME OF STATE: _____ CITATION OF STATUTE: _____

☐ WOULD QUALIFY AS TAX EXEMPT UNDER 26 USC §501(a) and §501(c)(3) IF
LOCATED IN THE USA

☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF
USA IF LOCATED IN THE USA

NAME OF STATE: _____ CITATION OF STATUTE: _____

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 13 CFR 1.19(e) for purposes of paying reduced fees under 35 USC §41(a) and (b) with regard to the invention entitled METHOD AND COMPOSITION FOR INHIBITING BACTERIA

by inventor Philip Domenico

described in

☐ U.S. Patent Application filed herewith

☒ U.S. Patent Application Serial No. 08/883,584 filed June 26, 1997

☐ U.S. Patent No. _____ issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

I declare that the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having the rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.19(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. 37 CFR 1.27.

NAME: _____

ADDRESS: _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME: _____

ADDRESS: _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file in this patent application or patent, notification of any change of status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 CFR 1.29(b).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC §1001, and that such willful false statements may jeopardize the validity of the patent application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Barbara L. Kohart

ADDRESS OF PERSON SIGNING: Winthrop University Hospital, 259 First Street, Mineola, NY 11501

SIGNATURE: Barbara L. Kohart DATE: 12-23-98